

JOURNAL OF THE HOUSE.

Monday, February 13, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Eternal God, we take a moment for personal reflection and to offer a prayer of petition to You for assistance as we take up today's legislative matters. Help us to serve You and the people whom we represent to the best of our ability in these uncertain times. Today we honor the accomplishments of President Abraham Lincoln. We, as a nation, are grateful to him for his leadership in this country's struggle to respect the dignity and basic human rights of all citizens. Inspire us to follow Your principles and values in recognizing all people as members of the one human family, Your family.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Governor — Bill Returned with Recommendation of Amendment.

Benjamin Joress.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill authorizing the application of Benjamin Joress for a civil service examination for police officer notwithstanding the minimum age requirement [see House, No. 4352] (for message, see House, No. 4684) was filed in the office of the Clerk on Friday, January 10.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Ms. Blumer of Framingham, to the committee on Bills in the Third Reading.

Resignation of Representative Keenan of Southwick.

The following communication, received on this day, was read for the information of the House; and placed on file.

February 1, 2006.

The Honorable Salvatore F. DiMasi
Speaker Massachusetts House of Representatives
State House, Room 356
Boston, MA 02133

Dear Speaker DiMasi:

Please accept this letter as my formal resignation from the position of State Representative for the Third Hampden District effective 9:00 A.M., Monday, February 13, 2006.

Resignation of Representative Keenan of Southwick.

It has been an incredible honor and privilege to serve the citizens of Agawam, Southwick, Granville and Russell for the past 12 years. I wish to thank you, your staff, the Clerk, and all my colleagues in the House and Senate for all the courtesies extended to me during my service in the House. It has been a pleasure to work with you and I hope you have continued success as you lead the Massachusetts House of Representatives.

Very Truly Yours,

DANIEL F. KEENAN.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Atsalis of Barnstable) congratulating Benjamin and Annie Wyman on the occasion of their sixtieth wedding anniversary; and

Benjamin and Annie Wyman.

Resolutions (filed by Ms. Story of Amherst) commending Barry L. Del Castilho;

Barry L. Del Castilho.

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Driscoll of Braintree, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

A Bill authorizing the certification and appointment of Francis K. Rayne as a firefighter in the town of Billerica (Senate, No. 2094) (on a petition) [Local Approval Received], passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Francis K. Rayne, civil service.

Subsequently Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

A Bill establishing the Asian American Commission (Senate, No. 2201, amended in section 2, in proposed section 67, at the end of subsection (a), by adding the following sentence: "Members shall be subject to the provisions of chapter 268A as they apply to special state employees."; and, in section 3, in subsections (a), (b), (c), (d), (e) and (f), by striking out the date "2005" and inserting in place thereof, in each instance, the date "2006") (on a petition), passed to be engrossed by the Senate, was read; and it was referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Asian American Commission.

Bills

Freedom's Way
Heritage Area.

Establishing the Freedom's Way Heritage Area and Commission (Senate, No. 1852, amended in section 1, in lines 8 and 9, by inserting after the word "Westminster," the word "Winchendon", and in line 23, after the word "area", and also in section 2, in line 6, after the word "organizations", by inserting, in each instance, the words "in consultation with the Massachusetts Historical Commission") (on a petition);

Fire services,
retirement.

Further regulating the retirement of certain employees of the Department of Fire Services (Senate, No. 2293, amended by striking the second paragraph and inserting in place thereof the following 2 sections:

"SECTION 2. Section 3 of said chapter 32, as so appearing, is hereby amended by inserting after the word 'affairs', in line 312, the following words:—, full-time employees of the department of fire services in the executive of public safety, if they have previously been full-time members of a fire department of any city, town or fire district, including Devens or the Massachusetts Port Authority fire departments, and have been members of group 4 for 10 or more years.

SECTION 3. No employee of the department of fire services, otherwise eligible for retirement under this act, shall be eligible for retirement under this act for a period of 1 year after the effective date of this act.") (on Senate, No. 1399);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Williamsburg,
property
taxes.

Authorizing abatement of certain property tax assessments in the town of Williamsburg (Senate, No. 1694) (on a petition) [Local Approval Received];

Hospital beds,
need.

Amending the law regulating licensing of hospital beds (Senate, No. 2141) (on Senate, No. 1293);

Student
records.

Relative to student records (Senate, No. 2206, amended in section 1, in lines 20, 21 and 22, by striking out the sentence contained therein and inserting in place thereof the following sentence: "all electronic and postal address and telephone number information relating to either the work or home locations of the custodial parent shall be removed from information provided under this section.", and in lines 26 to 34, inclusive, by striking out the sentence contained therein and inserting in place thereof the following sentence: "For purposes of this section, any parent who does not have physical custody of a child shall be eligible for the receipt of information unless: (1) the parent's access to the child is currently prohibited by a temporary or permanent protective order, except where the protective order, or any subsequent order which modifies the protective order, specifically allows access to the information described in this section; or (2) the parent is denied visitation or, based on a threat to the safety of the child, is currently denied legal custody of the child or is currently ordered to supervised visitation, and the threat is specifically noted in the order pertaining to custody or supervised visitation.") (on Senate, Nos. 323 and 346 and House, Nos. 1065 and 1083);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A report of the committee on Children and Families, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 85) of Brian A. Joyce for legislation to establish school nutrition education classes, and recommending that the same be referred to the committee on Education,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Nutrition
education,
classes.

The Senate Bill further regulating organ and tissue donations (Senate, No. 2353) came from the Senate with the endorsement that it had been referred to the committee on Health Care Financing; and the House concurred.

Organ and
tissue
donations.

A petition (accompanied by bill, Senate, No. 2365) of James E. Timilty, Robert K. Coughlin, Louis L. Kafka, Richard J. Ross and other members of the General Court (by vote of the town) for legislation relative to the charter of the town of Walpole, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Walpole,
charter.

The following notice was received from the Clerk of the Senate, to wit:

February 9, 2006.

Honorable Salvatore F. DiMasi
Speaker of the House of Representatives
Room 356, State House
Boston, MA 02133

Dear Mr. Speaker:

I have the honor to inform you that the Honorable Brian P. Lees, Minority Leader of the Senate, announced the appointment of Senator Scott P. Brown to the Special Commission established (pursuant to Section 12 of Chapter 130 of the Acts of 2005) to make an investigation and study of a fee waiver program for veterans at state and community colleges, effective Tuesday, February 7, 2006.

Veterans,
tuition
waivers.

Respectfully submitted,

WILLIAM F. WELCH,
Clerk of the Senate.

Reports of Committees.

By Mr. Correia of Fall River, for the committee on Elder Affairs, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 402) of Mark C. Montigny,

Pharma-
ceuticals,
fraudulent
marketing.

Pharma-
ceuticals,
fraudulent
marketing.

Richard R. Tisei, David P. Linsky, Christine E. Canavan and other members of the General Court for legislation to discourage fraudulent marketing practices by the pharmaceutical industry,— and recommending that the same be referred to the committee on Public Health. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Charles
River.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, No. 1359, a Bill to create a Charles River water quality commission (House, No. 4683). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Long-term
care,
education.

By Mr. Correia of Fall River, for the committee on Elder Affairs, on a petition, a Bill relative to develop a program of public education about long-term care (House, No. 2917). Read; and referred, under Joint Rule 1E, to the committee on Health Care Financing.

Fish
advisories.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to the posting of fish advisories (House, No. 1300, changed by striking out section 8). Read; and referred, under Rule 33, to the committee on Ways and Means.

Water
Resources
Authority.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill relative to the composition of the Massachusetts Water Resources Authority Board of Directors (House, No. 3889) [Representative Gifford of Wareham dissenting].

Chelsea,
gangs.

By Ms. Rivera of Springfield, for the committee on Public Safety and Homeland Security, on a petition, a Bill relative to gang recruitment in the city of Chelsea (House, No. 3185) [Local Approval Received].

Natick,
Home of
Champions.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, on a petition, a Bill designating Natick as the home of champions (House, No. 3489).

State
employees,
multiple
salaries.

By the same member, for the same committee, on a petition, a Bill prohibiting state employees from receiving multiple salaries (House, No. 3499).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Conservation
commissions.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill to clarify the authority of conservation commissions to impose consultant fees (Senate, No. 1167) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting the question, being on ordering the bill to a third reading.

Judges and
registers of
probate.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to judges and registers of probate (House, No. 4251) be scheduled for consideration by the

House. Placed in the Orders of the Day for the next sitting for a second reading with the amendments previously recommended by the committee on Ways and Means pending.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

Changing the term of office of the moderator for the town of Milton (Senate, No. 2095) [Local Approval Received];

Amending certain laws governing motor vehicle violations (Senate, No. 2132, amended);

Authorizing the town of Russell to borrow money for the upgrade and extension of the town's community cable television system (Senate, No. 2243) [Local Approval Received];

Further regulating the Barnstable County Septic Loan Program (Senate, No. 2247, changed);

Relative to disability or death caused by certain conditions of cancer (Senate, No. 2257);

Creating a board of registrars in the town of Swampscott (Senate, No. 2270) [Local Approval Received];

Establishing the membership of the Hampshire County Housing Authority (Senate, No. 2283);

Authorizing certain actions by the Braintree Electric Light Department Generating Project (Senate, No. 2318) [Local Approval Received];

Amending the Nantucket Islands Land Bank Act to increase the first-time homebuyers exemption (Senate, No. 2330); and

Authorizing the town of Bellingham to grant 1 additional license for the sale of all alcoholic beverages to be drunk on the premises (Senate, No. 2347) [Local Approval Received.]; and

House bills

To begin the process to establish a life care center at Lemuel Shattuck Hospital (House, No. 1425);

Allowing widows of veterans to retain ownership of veterans' plates (House, No. 1706, changed);

To protect the financial privacy of all employees of non-profit or charitable corporations (House, No. 2119);

Relative to handicap parking restrictions (House, No. 2142);

Relative to throwing objects at or otherwise interfering with the safe operation of a railroad car or locomotive and the safety of its personnel and riders (House, No. 2143);

Establishing the vehicle protection product act (House, No. 3062);

Concerning conflict of interest (House, No. 3507);

Authorizing the town of Brookline to lease certain town owned land (House, No. 4113) [Local Approval Received];

Establishing a sick leave bank for John Lavoie, an employee of the Massachusetts Department of Corrections (House, No. 4566, changed);

Establishing a sick leave bank for Ellen E. Briggs, an employee of the Trial Court (House, No. 4634); and

Milton.

Campus
vehicles.

Russell.

Barnstable
County.

Cancer.

Swampscott.

Hampshire
County.

Braintree.

Nantucket.

Bellingham.

Shattuck
Hospital.

Veterans.

Charitable
corporations.

Handicapped.

Railroad.

Vehicle
protection.

Fire fighters.

Brookline.

John
Lavoie.Ellen
Briggs.

Marie
Cantave-
Kenney.

Establishing a sick leave bank for Marie Cantave-Kenney, an employee of the Trial Court of the Commonwealth (House, No. 4653);
Severally placed in the Orders of the Day for the next sitting for a second reading.

Family
shelter
eligibility.

By Mrs. Owens-Hicks of Boston, for the committee on Children and Families, ought NOT to pass, on a message from His Excellency the Governor recommending legislation relative to expanding family shelter eligibility (House, No. 4229).

Watershed
Advisory
Committee.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, ought NOT to pass, on the petition (accompanied by bill, House, No. 3149) of Ronald Mariano relative to the membership of the Watershed System Advisory Committee.

Energy
management
services.

By Mr. Cabral of New Bedford, for the committee on State Administration and Regulatory Oversight, ought NOT to pass, on the petition (accompanied by bill, House, No. 3248) of John J. Binienda for legislation to increase the term of years in the awarding of contracts for energy management services.

Sub-bid
law.

By the same member, for the same committee, ought NOT to pass, on the petition (accompanied by bill, House, No. 3481) of George N. Peterson, Jr., relative to increasing the threshold for application of the filed sub-bid law.

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting, the question, in each instance, being on acceptance.

Engrossed Bills.

Bills
enacted.

Engrossed bills

Authorizing 2 ballot questions in the town of Arlington relative to the granting of licenses for the sale of alcoholic beverages not to be drunk on the premises (see House, No. 31);

Authorizing a ballot question in the town of Arlington relative to the granting of licenses for the sale of all alcoholic beverages in certain restaurants (see House, No. 32);

Designating a scenic road in the town of Falmouth (see House, No. 4135); and

Establishing a department of public facilities in the city of Malden (see House, No. 4458);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

Next
sitting.

Mr. Donato of Medford then moved that as a mark of respect to the memory of George "Chick" McDermott, a member of the House from Medford in 1961 and 1962, and a valued employee of the House of Representatives from 1963 to 1990, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty-nine minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton, the House adjourned to meet on Wednesday next at eleven o'clock A.M.